UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,896	08/20/2001	Jean-Sebastien Lessard	02531-003	4032

56535 7590 11/24/2009

BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL, QC H3A-1X6
CANADA

EXAMINER	
BURGESS, BARBARA N	
ART UNIT	PAPER NUMBER
2457	

MAIL DATE	DELIVERY MODE
11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/931,896	LESSARD ET AL.	
	Examiner	Art Unit	
	BARBARA N. BURGESS	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Board Decision: Examiner Affirmed filed July 21, 2009 and Request for Continuation Examination (RCE) filed September 21, 2009. Claims 1-26 have been cancelled as requested by Applicant. Claims 27-37 are new and presented for initial examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 27-31, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Dussell et al. (hereinafter "Dussell", US Patent 5,938,721).

As per claim 27, Giniger discloses a system for the creation, transmission and management of location bookmarks, each of said location bookmarks relating to a location, said system comprising:

a. at least one wireless portable device comprising:

i. a processing unit for processing data (column 5, lines 48-55);

ii. a storage unit for storing data, said storage unit being operatively connected to said processing unit (column 8, lines 23-25, 54-57);

iii. means for retrieving the geographical position of said location and for creating first

data elements, said means for determining the geographical position of said location and for creating first data elements being operatively connected to said processing unit, said first data elements comprising an indication of said geographical position of said location (column 5, lines 45-60);

vi. a display unit for displaying one of said location bookmarks, said display screen being operatively connected to said processing unit (column 8, lines 15-34);

vii. a transceiver unit for transmitting and receiving data over a communication network, said transceiver unit being operatively connected to said processing unit (column 12, lines 20-23, column 13, lines 31-33);

b. a data server comprising:

i. a processing unit for processing data (column 5, lines 64-67, column 6, lines 1-5, column 8, lines 41-47);

ii. a storage unit for storing data, said storage unit being operatively connected to said processing unit (column 11, lines 38-39, column 12, lines 25-26, 34-35);

iii. a transceiver unit for transmitting and receiving data over said communication network, said transceiver unit being operatively connected to said processing unit (column 6, lines 5-7, column 8, lines 64-65, column 11, lines 59-61);

iv. means, responsive to a request from said at least one device, for receiving at least one of said location bookmarks from said at least one device and for storing said at least one of said location bookmarks on said storage unit, or for retrieving

at least one of said location bookmarks from said storage unit and for transmitting said at least one of said location bookmarks to said at least one device (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37).

Giniger does not explicitly disclose:

iii) means for creating first data elements data elements comprising an indication of said geographical position of said location;

iv) means for inputting second data elements, said second data elements comprising user-generated content;

v) means for combining said first data elements and said second data elements to form said location bookmark;

vi) displaying said first data elements and said second data elements.

However, in an analogous art, Dussell discloses a mobile device enabling geographic coordinates of a first location to be associated with a descriptor such as a task descriptor (text and/or voice message). The descriptor is associated with a location reference such as geographic coordinates or geocode (column 7, lines 22-30, column 8, lines 27-40).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Dussell's means for creating data elements relating to location in Giniger's system enabling users to accomplish a task.

As per claim 28, Giniger discloses a system as claimed in claim 27, wherein said at least one device is a cellular telephone (column 8, lines 15-34).

As per claim 29, Giniger discloses a system as claimed in claim 27, wherein said communication network is a wireless network (column 8, lines 15-34).

As per claim 30, Giniger discloses a system as claimed in claim 29, wherein said communication network is a cellular network (column 8, lines 15-34).

As per claim 31, Giniger discloses a system as claimed in claim 27, wherein said communication network is Internet (column 8, lines 15-34).

As per claim 36, Giniger does not explicitly discloses a system as claimed in claim 27, wherein said second data elements comprise textual data elements, video date elements, audio data elements, and/or graphical data elements.

However, in an analogous art, Dussell discloses a device having GPS location means and is able to take a record of current location information. The information describes

the physical location of the user and device. The user can also set specific alarm events for each location causing an output signal to be generated when the device returns to a particular location. This alarm event can be text and/or voice message (column 7, lines 24-26).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Russell's identifier is one or more of text, video recording, audio recording, and image in Giniger's system enabling the user to associate text strings with locations.

As per claim 37, Giniger does not explicitly discloses a system as claimed in claim 36, wherein said textual data elements comprise an identification of the author of said bookmark.

However, in an analogous art, Dussell discloses providing location information to describe the physical location of the user and device. The user can also set specific alarm events for each location causing an output signal to be generated when the device returns to a particular location. This alarm event can be text and/or voice message (column 7, lines 24-26).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Dussell's data elements which are adapted to contain data representations of the identification of the author of the bookmark in Giniger's system enabling the user to associate text strings with locations.

3. Claims 32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Dussell et al. (hereinafter "Dussell", US Patent 5,938,721) and in further view of Kitano et al. (hereinafter "Kitano", US Patent No 5,926,116).

As per claim 32, Giniger, in view of Dussell, does not explicitly discloses a system as claimed in claim 27, wherein said first data elements comprise:

a. a latitude data element corresponding to the latitude of said location;

b. a longitude data element corresponding to the longitude of said location.

However, in analogous art, Kitano discloses a GPS detection means that detects current position such as a latitude and a longitude at which the portable terminal is positioned (column 4, lines 1-5, 57-60, column 5, lines 31-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating latitude and longitude with the location in Giniger in order for a terminal's position to be retrieved.

As per claim 34, Giniger discloses a system as claimed in claim 27, wherein said first data elements further comprise an indication of the accuracy of said latitude data element and said longitude data element.

4. Claims 33, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Dussell et al. (hereinafter "Dussell", US Patent 5,938,721) in further view of Kitano et al. (hereinafter "Kitano", US Patent No 5,926,116) and in further view of Camhi (US Patent No 5,825,283).

As per claim 33, Giniger, in view of Dussell and Kitano, does not explicitly discloses a system as claimed in claim 32, wherein said first data elements further comprise an altitude data element corresponding to the altitude of said location.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

As per claim 35, Giniger, in view of Dussell and Kitano, does not explicitly discloses a system as claimed in claim 33, wherein said first data elements further comprise an indication of the accuracy of said latitude data element, said longitude data element and said altitude data element.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Barbara N Burgess/
Examiner, Art Unit 2457

November 22, 2009

Barbara N Burgess
Examiner
Art Unit 2457

/Barbara N Burgess/

Examiner, Art Unit 2457